

FILED

JUN 01 2023

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY _____ DEPUTY

COVER SHEET

CIV-23-484-R

JURISDICTION: 42 U.S.C. Subsec. 1983

STATEMENT OF Plaintiff for Court to take immediate or Emergency Jurisdiction:

That I (Garland Manning) hereby formally swear under penalty for perjury, that I'm in jail in which the jail staff will not allow me Notary Service, nor the required account statement at 20% etc, of which the contacts with-in the here-in suit involve me being Sexually Battered by Staff as well as physically Abused as well. That no reprocussions were dealt for such assault and I'm in great fear for my life, safety, and well-being. That this threat on me is constant.

The undersigned swears again that (above) is true and correct and that he will pay the 400.00 filing as soon as funds become available.

Depositing - 18 JUN 2023
Garland M. Manning

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

Garland M. Manning,

(Enter the full name of the plaintiff.)

v.

Case No. CIV-23-484-R
(Court Clerk will insert case number)

(1) OFFICER DEAN,

(2) OFFICER DAYLON RIVERS,

(3) GARFIELD COUNTY DETENTION CENTER (Possibly after Discovery)

(Enter the full name of each defendant. Attach additional sheets as necessary.)

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$402 (including a \$350 filing fee and a \$52 administrative fee). The complaint will not be considered filed until the Clerk receives the \$402 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$402 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

- If the court grants your request, the \$52 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, **regardless of how the court decides your case.**

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. See 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

COMPLAINT

I. **Jurisdiction is asserted pursuant to:**

42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

II. State whether you are a:

Convicted and sentenced state prisoner
 Convicted and sentenced federal prisoner
 Pretrial detainee
 Immigration detainee
 Civilly committed detainee
 Other (please explain) _____

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Court and docket number: _____

c. Approximate date of filing: _____

d. Issues raised: _____

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): _____

f. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

(Herein captioned)

Name and any aliases: [REDACTED] Garland Manning

Address: Garfield County Detention Center 1020 S. 10th Enid, OK 73701

Inmate No.: (NOT SENTENCED) TO O.D.O.C., Pretrial Detainment

2. Defendant No. 1

Name and official position: Garfield County Detention Officer
"Dean"

Place of employment and/or residence: Garfield County Detention
facility, 1020 S. 10th st., Enid, OK 73701

How is this person sued? official capacity, individual capacity, both

3. Defendant No. 2

Name and official position: Daylon Rivers (Supervisor)
of Garfield County Detention facility

Place of employment and/or residence: Garfield County Detention
facility, 1020 S. 10th st., Enid, OK 73701

How is this person sued? official capacity, individual capacity, both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

V. CAUSE OF ACTION

on April 14th 2023 or about that date and Approximately 2:00-4:00pm, I was Naked and in the shower of which Garfield County Detention facility officer "Dean", physically, Mentally, and, Sexually abused me. That Dean physically harmed me in complete violation of DUE PROCESS or breach of the 1st, 5th, and, 14th Amendments and while being housed in his facility. This was commenced when Dean stood blocking a shower entrance I was showering in yet while yelling to get "GET OUT NOW"; and still blocking, began trying to pull my Naked being from shower to humiliate me, and then after sexually assaulting me, stepping back from entrance to Mace me with Pepper Spray and for a Lengthy time Duration. The Mace was grossly applied to my whole Naked body in front of others, for couple of minutes and twice with Dean stopping to shake the canister. Callous disregard for my health and safety, shaking it, displayed Mens Rea, of Wanton, Malice Intwt. For Proof of Dean's Actus Rea or Actions arising to an OBJECTIVELY Prima-Facie Degree. (SEE: Appendix; Attached is Three (3) Deposing Affidavits of inmates whom witnessed the incident.) That Dean Mentally Abused me when Dean treated me like he did, thus ordering me out of shower, completely Naked in front of forty (40) or so podmate/inmates, while refusing me casual bare Nessesity of underwear at De Minimus. Dean done this objectively Sadistic Act to belittle and degrade me. (GROSSLY ABUSIVE / SADISTIC DEGRADATION). Thus, Subjectively Malice to Migitte My Composure. Officer Dean is Approximately 7'3 and 340 LBs of which Dean got into shower with me (while I was Naked), thus blocking entrance during Commencement of Abuse. (SEE: Appendix; Attached Deposing Oath of Witnessing inmate Fred DeCastro), of which Dean blocked

victim from stepping out, to smugley wrangle him, and then grossly spray with Mace. This described or discussed shower was Approximately 3ft x 3ft and 8ft in height. (TINY). That the abuse in the shower was both physically and sexually debased in contour, of which I was pushed repeatedly, punched just above waist once, then Sexually Assaulted with Dean repetitiously making contact and grabbing me below the waistline. That while grabbing at me below waist, and before stepping back to Mace me twice, Dean had grabbed the Deep of My Buttock and either penetrated with a digit, one of four in My Rectum, or with his opposable thumb on other side of glute, gripping, then pulling the under-cheek, caused a tear to my Anus. This bled for few days and caused painful wiping. That this contact with My glute, with bleeding injury as result, was also a sexual assault which has caused me great humiliation and Anguish. That when Dean wantonly abused me Mentally, Sexually, and, physically in or/and around shower, he, (DEAN), done the Lengthy Acts absent of my 1st, 5th, and, 14th Amendments and in complete breach of my Due-Process Clause Vested Rights as (ABOVE) Listed.

(SEE: Again Witnessing inmates Affidavits, ATTACHED APPENDIX; reference to Macing and its Duration).

That under our Constitution, I'm innocent until proven Guilty in which I haven't been able to have my trial yet, thus am not being punished or reformed by Penal Code, but simply detained, which such acts of Dean would violate 8th Amendment of its clause for Cruel and unusual Punishment, contrary to waiting trial.

That upon viewing Deposing other inmate testimonies (SEE: ATTACHED APPENDIX), as well as face of Complaint, the debased,

vile, or, wholly sadistic spirit of officer Dean while conducting such Lengthy Attack, as unprovoked on a person while showering, is one, that is of a state of mind, far surpassing "Deliberate Indifference" to the inmate's Health, Safety, and well-being, but is that of Capricious or Arbitrary Recklessness, even Calloused Recklessness, (Due to Length of Duration), and most definately outlined under Scope of a Subjectively Wanton Malice Mental state. (Subjective Intent).

The only reason to justify Dean's Attack, as unprovoked by me showering, was stated by Dean to me, while I was in shower and as said, verbatim and verbally "DO YOU HAVE CONTRABAND IN YOUR CELL". However, and contrary to the staff or Jailer's Normal procedure and operations, this whimsically lame excuse to justify Deans hateful Attack, is outside scope of how the Jailer should have searched my Cell and without my Knowledge as they randomly do anyway, regardless if My Cellmate or I have Knowledge of it being conducted etc.-etc..

It's my Deposing testimony that not only is the Attack of Calloused Recklessness, but that Dean personally sought an altercation with me, while confined in SANCTUARY of bathing to be Sadistic.

It's further my testimony that Deans Acts objectively in Light of such Circumstances, Constitutes, Subjectively wanton Malice and May even be illicit in nature warranting charges as well. The Mace stung and burned all over my Naked body, especially fore ANUS, with my side hurting from being punched, and chest aching from being pushed repeatedly. (OBJECTIVELY Gross ABUSE/ASSAULT).

That once Captain Daylon Rivers came to Pod C, and to my shower, was I able to put on the underwear of which Dean Never allowed me to, while washing

then by hand in the shower terminal. That when Dean tried to expose my most private of Casual Human parts, so that inmates would on look my shame, Dean exercised a spirit of sadism and so vile, that it alone should warrant punitive damages, thus not absent of the anguish from tore rectum, and its physical injury (Bleeding), as well as stinging Mace thickly coating me and running down to my ANUS Cavity. Here-in petitioner emphasizes that Sanctuary of bathing (Naked), should have never been intruded on, in general, of which the mere act of Dean just lifting shower curtain alone, is debased, when compared to the reason or excuse why. Such acts go beyond being uncouth and are purely AN unmixed, even flagrantly Arbitrary, display of sadism. That since event of gross Abuse, Capt./supervisor Dayton Rivers, has allowed it, by not only providing an acquiescence for these acts that Rivers tolerates from his staff by not punishing them, but also, by not ~~properly~~ properly training staff. That Dayton Rivers' Subjectively Callous disregard for inmate's Rights to ever be safe from Sexual Assault, is displayed flagrantly and in Arbitrary fashion, of how Rivers refuses to comply with mandated state law and provide a posting for the (PREA) Prison Rape Elimination Act's hotline. Petitioner can not call their crisis center because Rivers obstructs it. Rivers was asked several times to post the hotlines Number (GROSS NEGLIGENCE / DELIBERATE INDIFFERENCE) That Rivers refuses to answer my many kiosk requests and grievances which also violates DUE-PROCESS (EARLIER LISTED)

6. Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.

- If a ruling in your favor “would necessarily imply the invalidity” of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. Claim 1:

(1) List the right that you believe was violated:

The Right of Due-Process was Violated,
Please (SEE: CAUSE OF ACTION FOR REFERENCE)
These Clauses are Covered under 1st, 5th, and 14th Amendments,

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

This claim or Allegation, as arose, is
pertaining to G.C.D.F. OFFicer "DEAN".

(3) List the supporting facts:

OFFICER DEAN ASSAULTED ME MENTALLY, PHYSICALLY,
& SEXUALLY (PLEASE SEE: HERE-IN CAUSE OF
ACTION'S CONTENTS). Assault occurred while bateling.

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

INJUNCTIVE: Making "Dean" stay away from the POD C, Go To Administrative leave, and Attend Battery Class.

PUNITIVE: (1.5) ONE and a half Million Dollars

COMPENSATORY: (200,000) Two Hundred Thousand Dollars.

2. **Claim II:**

(1) List the right that you believe was violated:

Capt. Rivers is Grossly/callously/repeatedly indifferent to Deans' evil behavior or
Violating Me. The Right of Due-Process Was Violated (Please -
SEE AGAIN: CAUSE OF ACTION HERE-IN FOR REFERENCE).
These clauses are covered under 1st, 5th, and 14th Amendments.

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

The Claim or Allegation, as Arose, is pertaining
to G.C.D.F. officer/Supervisor Captain
Daylon Rivers, in which permits "Dean" and is "Indifferent"
to my Due-process Rights of being Safe from Assaults by his
Staff. Plus, Doesn't honor Grievance System by Intentionally refusing to
Answer.

(3) List the supporting facts:

Capt. Dayton Rivers has allowed Dean to Assault me in Multiple Avenues and with Malicious Sadism, in which Rivers refuses to Punish Dean, or hear my many Just Requests, Grievances, or remedies to talk it out. Rivers refuses to allow us access to P.R.E.A. by Posting Number, and refuses to properly train and Discipline staff.

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

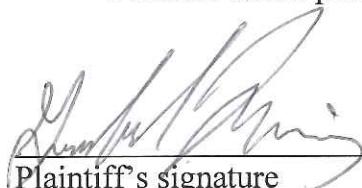
Injunctive: Court order Compelling Rivers to properly train and Punish his subordinates, Post a PREA (PAPE PREVENT - IN HOTLINE) and STOP DENYING DUE PROCESS by Not answering Requests and Grievances.

PUNITIVE: (300,000) Three hundred Thousand Dollars.
COMPENSATORY: (195,000) ONE hundred and Ninety Five Thousand Dollars.

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.

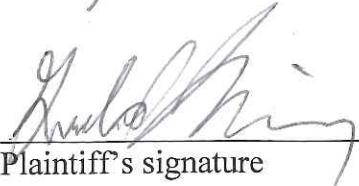


Plaintiff's signature

5.29.23

Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 29 day of May, 2023.



Plaintiff's signature

5.29.23

Date